preamble recitation that does not breath life and meaning into the claims, and (ii) the medium is a storage medium storing code that is not implemented in a processing device which is non-statutory subject matter." (pg. 2, ¶ 3 of paper 3).

The preamble of claim 114 has been amended to recite a "device-readable" medium storing instructions, wherein said instructions are "for directing a device to" perform the steps of a method analogous to the method recited in claim 105. Without agreeing or disagreeing with Examiner's assertions regarding the preamble before this amendment, Applicants believe that the claim as amended is statutory. Further, the preamble as amended now recites medium instructions that are "implemented in a processing device" (pg. 3, ¶ 3 of paper 3).

Claim 123 has been cancelled, rendering the rejection of it moot.

III. Double Patenting

Claims 105 – 123 were "rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 12 of U.S. Patent No. 5779549 and claims 1 – 51 of U.S. Patent No. 6,224,486." Specifically, Examiner alleged that "it would have been obvious to claim the method or apparatus or medium broader in order to obtain the most commercially viable form of invention." (pg. 3, ¶ 5 of paper 3).

Without agreeing or disagreeing with Examiner's assertions regarding the obviousness of the pending claims over the previously issued claims in U.S. patents No. 5,779,549 and No. 6,224,486, Applicants have filed a terminal disclaimer in compliance with 37 CFR 1.321(c) herewith in order to expedite the issuance of the present Application.

IV. Rejections of claims 115 – 123

Claims 115 – 116 and 118 were "rejected under §102(a) as being anticipated by instant background disclosure" because "prior art disclosed in instant background disclosure (2:10 – 6:20) teaches claimed steps since the claimed method is performing steps of elimination rounds (inherent thereto or by definition thereof) of a skill tournaments such as conducted in skill competition (5:16 – 6:20)." (pg. 4, ¶ 7 of paper 3).

Claims 115 – 116, 118, and 121- 123 were rejected "under 35 U.S.C. 102(b) as being clearly anticipated by Sabaliauskas (5359510)." (pg. 5, ¶ 8 of paper 3).

Claims 119 – 120 were "rejected under 35 U.S.C. 102(a) as being anticipated by or in the alternative, under 35 U.S.C. 103(a) as being obvious over instant background disclosure." (pg. 5, ¶ 11 of paper 3).

Claims 117 and 121 – 123 were "rejected under 35 U.S.C. 103(a) as being unpatentable over instant background disclosure." (pg. 6, ¶ 12 of paper 3).

Claim 117 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Sabaliauskas (5359510)." (pg. 8, ¶ 13 of paper 3).

Claims 119 – 120 were "rejected under 35 U.S.C. 103(a) as being unpatentable over Sabaliauskas (5359510) in view of Thacher et al (5083271)." (pg. 8, ¶ 14 of paper 3).

Without agreeing or disagreeing with Examiner's above-cited rejections, Applicants are canceling claims 115 – 123 with the present amendment. The above-cited rejections are thus rendered moot.

V. Rejections of claims 105 – 114

Claims 105 – 114 were "rejected under 35 U.S.C. 103(a) as being unpatentable over Thacher et al (5083271) in view of Liverance (5370399) or instant disclosure." (pg. 9, ¶ 15 of paper 3).

Claims 105, 112, 113, and 114 are herein amended to recite the limitation of storing information associated with the player, "the stored player information being available for use in a subsequent tournament to influence game play of the subsequent tournament while the player is playing a subsequent game in the subsequent tournament." Such a limitation is not taught or suggested, alone or in combination, by Thacher and/or Liverance or the instant background.

The handicap value in Thacher is used to "assign an equivalent score value different from the actual score received for each game played by each specific player." (col.8, lines 55 – 65 of Thacher). Thacher does not teach or suggest, utilizing the handicap score to "influence game play...while a player is playing a game" as generally claimed in claims 105, 112, 113, and 114. In Thacher the handicap value only becomes relevant and is applied to the player's score once the player has finished playing a subsequent game.

Liverance does not disclose the influence of player information from a previous tournament or game on a subsequent tournament or game. More specifically, Liverance does not teach or disclose storing information for use in influencing a subsequent game, much less for use in influencing a subsequent game while the player is playing the subsequent game.

Thus the combination of Liverance and Thacher does not teach or suggest the claimed limitation of "storing player information being available for use in influencing a subsequent tournament while the player is playing a game in the subsequent tournament."

Further, upon Examiner's suggestion during the Nov. 06, 2001 telephone interview, Applicants have reviewed U.S. Patent No. 5,816,918 to Kelly et al. and do not believe that this patent teaches or suggests the above-discussed claimed feature alone or in combination with Thacher, Liverance, and/or the instant background disclosure.

Claims 105, 112, 113, and 114 are thus now believed to be patentable. Dependent claims 106 – 111, which are each respectively dependent upon amended claim 105 are believed to be patentable at least because they each depend from a patentable claim.

Conclusion and Petition for Extension of Time to Respond

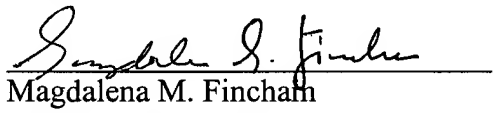
For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461-7041 or via electronic mail at mfincham@walkerdigital.com.

Applicants believe a two-month extension fee is due with this response. Applicants hereby petition for a two-month extension of time with which to respond to the Office Action. Please charge any fees that may be due for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

If an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

November 29, 2001



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